

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

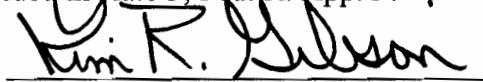
EDWIN SMITH, )  
Plaintiff, )  
 )  
vs. ) Civil Action No. 06-38J  
 )  
DOC AT HOUTZDALE, et al., )  
Defendants. )

O R D E R

AND NOW, this *10<sup>th</sup>* day of July, 2006, after the plaintiff, Edwin Smith, filed a motion to proceed in forma pauperis, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 6), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket No. 1) is denied and this action is dismissed for plaintiff's failure to prosecute.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

  
Kim R. Gibson  
United States District Judge

cc: Edwin Smith  
FX-0156  
SCI Houtzdale

P.O. Box 1000  
Houtzdale, PA 16698-1000